

**Enrolled Minutes of the Thirtieth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, January 28, 2013**

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular (rescheduled) meeting on Monday, January 28, 2013 at 6:45 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Konnie Kuiper and Brian J. Novak were present. Councilor Mark A. Herak was absent owing to delay of commuter train. Councilor Dan Vassar was absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 28, 2013 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper and Brian Novak. Councilor Dan Vassar was absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Tara Tauber, Attorney with Tauber Law Offices; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

Also Present: Ed Dabrowski, Contract IT Coordinator; Greg Kuzmar, Redevelopment Commission; and Dennis Adams of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of January 14, 2013 were approved by general consent.

Staff Reports: The Council received the following reports as information for the record:

Appointments:

- **Statutory Boards and Commissions**
Executive Appointments made by Town Council President
Legislative or Fiscal Body Appointments made by Town Council

Legislative Appointments

1. **Main Street Bureau Board:** (13 of 17) appointments to be made by the Town Council. Term: two years ending 1 Jan 2015. (Note: 13 vacancies.)

Councilor Zemen moved the appointment of **Thomas Frankiewicz** of Eder Street in Highland to the Main Street Board of Directors. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Thomas Frankiewicz was appointed.

Unfinished Business and General Orders:

1. **Resolution No. 2013-02:** A Resolution of the Fiscal Body Approving Authorizing a Temporary Interfund Loan for the Corporation (Exempt) Bond and Interest Fund, pursuant to IC 36-1-8-4.

Councilor Kuiper moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2013-02. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2013-02**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of \$5,000.00 be borrowed for the **Corporation Exempt Bond and Interest Fund** with the amount of \$5,000.00 to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of \$5,000.00 be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2013, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 28th day January 2013. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2013-03:** A Resolution of the Fiscal Body Approving Authorizing a Temporary Interfund Loan for the Parks District (Exempt) Bond and Interest Fund, pursuant to IC 36-1-8-4.

Councilor Herak moved and Councilor Kuiper seconded the passage and adoption of Resolution No. 2013-03. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2013-03**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Park Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$132,000.00** be borrowed for the **Park Exempt Bond and Interest Fund** with the amount of **\$132,000.00** to be loaned by the **Municipal Cumulative Capital Development Fund**;

Section 2. That said loan in the amount of **\$132,000.00** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Park Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2013, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 28th day January 2013. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2013-06:** An Order Approving the 2800-2900 block of 98th Street Improvement Project and Approving and Authorizing An agreement between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof in the amount of \$21,800

Councilor Herak moved and Councilor Zemen seconded the passage and adoption of Works Board Order No. 2013-06. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2013-06**

A RESOLUTION APPROVING THE 2800-2900 BLOCK OF 98TH STREET IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF IN THE AMOUNT OF \$21,800

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has received a request from the residents in the 2800-2900 block of 98th Street requesting consideration to reconstruct the 2800-2900 block of 98th Street; and

Whereas, Garcia Consulting Engineers has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in an estimated fee of Twenty-one Thousand Eight Hundred Dollars (\$21,800); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board:

Section 1. That the Public Works Director is hereby authorized and approved to proceed with the reconstruction the 2800-2900 block of 98th Street to be known as the 98th Street Improvement Project;

Section 2. That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Twenty-one Thousand Eight Hundred Dollars (\$21,800) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Board of Works, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of January, 2013 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2013-07:** An Order of the Works Board Offering, Authorizing and Approving an Extension to the Contract between the Town of Highland and COEX, Incorporated for Materials and Services – Concrete Work through December 31, 2013, all Pursuant to Indiana Code 5-22 et Seq. and Chapter 3.05 of the Highland Purchase Code

Councilor Zemen moved and Councilor Kuiper seconded the passage and adoption of Works Board Order No. 2013-07. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
BOARD OF WORKS
ORDER of WORKS BOARD NO. 2013-07**

**AN ORDER of the WORKS BOARD OFFERING, AUTHORIZING and APPROVING AN EXTENSION to
the CONTRACT BETWEEN THE TOWN OF HIGHLAND AND COEX, INCORPORATED for MATERIALS
and SERVICES – CONCRETE WORK through DECEMBER 31, 2013, ALL PURSUANT TO INDIANA
CODE 5-22 ET SEQ. and CHAPTER 3.05 of the HIGHLAND PURCHASE CODE**

Whereas, The Town of Highland did receive bids on February 14, 2007 for Road Materials and Services, which included concrete work, pursuant to IC 5-22 *et seq.* and on March 26, 2007, the Town Council for the Town of Highland accepted and awarded a bid for several items of concrete work to COEX, Incorporated, as the lowest responsible and responsive bid; and

Whereas, In subsequent years from the bid award, the Town of Highland had annually offered COEX, Incorporated an extension of the contract for concrete work, at the same term and conditions of the initial contract, through December 31, 2012, which COEX, Incorporated had accepted; and

Whereas, COEX, Incorporated has expressed interest, through a letter dated November 21, 2012, attached hereto, to extend the current contract for an additional year at the same terms and conditions for Road Materials and Services, Concrete Work;

Whereas, COEX, Incorporated has demonstrated professional competence and qualifications to perform the particular concrete work for the Town of Highland and it has been determined that extending the current contract will realize a cost and time savings for mutual benefit of the both parties; and

Whereas, The Town Council for the Town of Highland, pursuant to IC 5-22-17-4, now wishes to offer a contract extension to COEX, Incorporated, through December 31, 2013, for Road Materials and Services – Concrete work, under the original terms, conditions and prices as the original contract (1-year).

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana,

Section 1. That the Director of Public Works is hereby ordered to offer contract a extension to COEX, Inc. for Road Materials and Services – Concrete Work under the same terms, conditions, and prices for the period January 1, 2013 through December 31, 2013;

Section 2. That, if accepted, the Director of Public Works be authorized to execute the Contract Extension with his signature as attested thereto by the Clerk Treasurer.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of January, 2013 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2013-08:** An Order Of The Works Board Accepting The Quote Of Northern Indiana Mechanical, Inc. For Fueling System Upgrades At The Highland Public Works Facility In The Amount Of Eighty-Seven Thousand Three Hundred Fifty-Six Dollars And No Cents (\$87,356.00), Being The Lowest Responsive And Responsible Quote.

Councilor Zemen moved and Councilor Kuiper seconded the passage and adoption of Works Board Order No. 2013-08. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2013-08

AN ORDER OF THE WORKS BOARD ACCEPTING THE QUOTE OF NORTHERN INDIANA MECHANICAL, INC. FOR FUELING SYSTEM UPGRADES AT THE HIGHLAND PUBLIC WORKS FACILITY IN THE AMOUNT OF EIGHTY-SEVEN THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS AND NO CENTS (\$87,356.00), BEING THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE

Whereas, the Department of Public Works has determined that certain fueling system upgrades are necessary in order to replace old and obsolete equipment and to meet environmental guidelines as set forth by the Indiana Department of Environmental Management with respect to spill prevention, tank monitoring and leak detection, and inventory control; and

Whereas, The Assistant Public Works Director had prepared specifications for the work and invited quotes pursuant to Chapter 3.05 of the Highland Municipal Code from three (3) persons known to deal in the lines or classes of supplies to be purchased; and

Whereas, the following quotes were received at 4:00 p.m. on Friday, January 18, 2013:

Bidder	Quote
Northern Indiana Mechanical, Inc.	\$87,356.00
Petroleum Technologies Equipment	\$145,000.00
B & K Equipment Company	\$98,500.00

Whereas, The staff has reviewed the quotes and determined that the quote of Northern Indiana Mechanical, Inc. in the amount of Eighty-seven Thousand Three Hundred Fifty-six Dollars and no cents (\$87,356.00) to be the lowest responsive and responsible quote; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Staff and award a contract to Northern Indiana Mechanical, Inc. for the Fueling System Upgrades at the Highland Public Works Facility.

Now, Therefore, Be it Ordered, by the Town Council of the Town of Highland, Indiana, acting as the works board, as follows:

Section 1. That the quote of Northern Indiana Mechanical, Inc. for the Fueling System Upgrades at the Highland Public Works Facility in the amount of Eighty-seven Thousand Three Hundred Fifty-six Dollars and no cents (\$87,356.00) is hereby accepted as the lowest responsive and responsible quote;

Section 2. That the Public Works Director is hereby authorized to execute the agreement and all documents necessary to implement the project.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of January, 2013 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

With leave from the Town Council, Councilor Herak suggested the desirability of creating and adopting a comprehensive capital plan.

6. Authorize the proper officer to publish a notice for proposed additional appropriations in the **Special Public Safety Fund** in the amount of \$875; in the **General Improvement Fund** in the amount of \$4,000; in the **Municipal Cumulative Street Fund**, in the amount of \$25,000 and in the Sanitary District's **Sanitary Extension and Improvement Fund**, in the amount of \$54,000. *(If Works Board Order No. 2013-08 is approved, the Public Works Director will be asking for added authority to advertise an additional appropriation in the Municipal Cumulative Capital Development Fund in an amount he will identify.)*

Councilor Zemen moved and Councilor Kuiper seconded to authorize the proper officer to publish legal notice for proposed additional appropriations as indicated. Upon a roll call vote, there were four affirmatives and no negatives.

7. **Renewal for the Workers Compensation Plan**, effective February 1, 2013, with Indiana Public Employers Plan (IPEP) as presented by Brown Insurance Group. *The proposed premium or "contribution" is estimated to be \$90,793. Experience Rating Premium \$138,573, adjusted for experience modification (\$12,472), lowers previous premium/contribution to \$126,101; It is further adjusted by an IPEP Credit of \$35,308, rendering the premium/contribution in the amount presented.*

Councilor Herak moved and seconded by Councilor Zemen to renew the workers compensation plan with IPEP as presented by Brown Insurance Group as indicated. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The plan and agent were approved.

8. **Selection or renewal of Group Dental Plan.** *Current provider, United Health Care (UHC) rates are proposed for renewal at Employee only at \$34.92 and for Employee and dependents at \$101.38 per month; The current rates are the same. The proposed rates from United Health care represent approximately a 0% increase over the 2012 rates. If approved, Brown Insurance Group would be agent of record. In addition, renewal is currently March 1, 2013.*

Councilor Herak moved, seconded by Councilor Kuiper to renew the current group dental plan, with United Health Care, as presented by Brown Insurance Group as indicated. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The group dental plan and agent were approved.

9. **Action to approve compensatory time off for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance. The requests are based upon straight hours in excess of the standard 40-work week occurring as follows:**

- Robert Johnsen: 51 hours (Incurred July – Dec. 2012)
Previously Approved: 45.75 hours (Incurred July 2011 to June 2012)
- John Mouratides: 16.5 hours (Incurred Oct. to Dec. 2012)

Previously approved: 46.5 hours (Incurred July to June 2012)

•Mike Pipta: 22.5 hours (Incurred July– Dec. 2012)
Previously approved: 90 hours (Incurred July to June 2012)

•Colin Peterson: 46 hours (Incurred July 2012 -?)
Previously approved: 39.5 hours (Incurred Jan - June 2012)

Councilor Kuiper moved, seconded by Councilor Herak to authorize and approve the compensatory time as paid time off for the several FLSA exempt salaried supervisors as presented. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The listed compensatory time was approved for use as paid time off for the several FLSA exempt salaried supervisors.

10. **Proposed Ordinance No. 1532:** An Ordinance Amending The Property Maintenance Code For The Town Of Highland, Indiana, Repealing All Ordinances In Conflict Therewith, And Declaring An Emergency.

Councilor Zemen introduced and moved for the consideration of Ordinance No. 1532 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Ordinance could be considered for action at the same meeting of its introduction.

Councilor Zemen moved for the passage and adoption of Ordinance No. 1532 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Ordinance was adopted at the same meeting of its introduction.

ORDINANCE NO. 1532
of the
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE FOR THE TOWN OF HIGHLAND, INDIANA, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, The Town Council of the Town of Highland is the municipal legislative body of the unit; and

WHEREAS, With the passage of time various Ordinances, Codes, and Procedures of the Town of Highland must be amended; and

WHEREAS, With the passage of time various practices, policies, and procedures must be updated; and

WHEREAS, The Town Council is interested in amending the Property Maintenance Code to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants, regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties; and

WHEREAS, The Town Council desires to amend the Property Maintenance Code in order to insure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the Town of Highland, Indiana, and to provide that existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein;

WHEREAS, The Town Council desires to repeal Ordinance No. 1525 and replace it with this current version of the Property Maintenance Code;

NOW, THEREFORE, BE IT ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 15.25 of the Highland Municipal Code is hereby repealed in its entirety, and amended by the creation of a new, successor Chapter, to be numbered **Chapter 15.25**, Entitled "Property Maintenance Code, which shall read as follows;

CHAPTER 15.25 PROPERTY MAINTENANCE CODE

DIVISION I. GENERALLY

15.25.010 Definitions.

(a) "Scope". The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning.

"Approved" means approved by the code official.

"Basement" means that portion of a building which is partly or completely below grade.

"Bathroom" means a room containing plumbing fixtures including a bathtub or shower.

"Building" means any structure occupied or intended for supporting or sheltering any occupancy.

"Building code" means the building code officially adopted by the town council, or other such codes officially designated by the town council for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

"Code official" means the official who is charged with the administration and enforcement of the property maintenance code, or any duly authorized representative.

"Condemn" means to adjudge unfit for occupancy.

"Construction of documents" means all the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

"Dwellings" includes the following:

- (1) "Dormitory" means a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.
- (2) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (3) "Hotel" means any building containing six or more guestrooms intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.
- (4) "Single-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.
- (5) "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.
- (6) "Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living but not for cooking purposes.
- (7) "Two-family dwelling" means a building containing two dwelling unit with not more than five lodgers or boarders per family.

"Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Extermination" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"Family" means an individual or married couple and the children thereof with other persons related directly to the individual or married couple by blood or marriage; or a group of not more than four unrelated persons, living together as a single housekeeping unit in a dwelling unit.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Infestation" means the presence, within or contiguous to, a structure or premises of insects, vermin or other pests.

"Inspection certificate" means an identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

"Label" means an identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency.

"Let for occupancy and let" mean to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"Manufacturer's designation" means an identification applied on a product by the manufacturer indicating that a produce or material complies with a specified standards or set of rules. (See "Mark", "Label", and "Inspection certificate").

"Mark" means an identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material. (See "Manufacturer's designation", "Label", and "Inspection certificate").

"Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

"Occupant" means any person living or sleeping in a building; or having possession of a space within a building.

"Operator" means a person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Plumbing" means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.

"Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from such water distribution system; or discharges from waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage systems of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

"Premises" means a lot, plot or parcel of land including any structures thereon.

"Public nuisance" includes any of the following:

- (1) The physical condition or occupancy of any premises regarded as public nuisance at common law;
- (2) Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any premises that contained unsanitary sewerage or plumbing facilities;
- (4) Any premises which are unsafe for human habitation;
- (5) Any premises that is manifestly capable of being a fire hazards, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
- (6) Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
- (7) Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
- (8) Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.
- (9) Any premises that demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Town Property Maintenance Code or State Construction Code.
- (10) Any premises that is under notice for being in violation of Town ordinances.
- (11) Any premises that is under a condemnation notice or legal order to vacate.

"Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral material, glass, crockery and dust and other materials. Rubbish also includes miscellaneous construction material and equipment, hazardous materials, and debris.

"Tenant" means a person, corporation, partnership or entity, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.

"Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

"Yard" means an open space on the same lot with a structure.

(b) "Terms defined in other codes." Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them in those codes.

(c) "Parts." Whenever the terms "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit" or "story" are stated in this article, they shall be construed as though they were followed by the term "or any part thereof."

15.25.020 Violations.

(a) "Unlawful acts." It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this article, or cause same to be done, contrary to or in conflict with or in violation of any provisions of this article, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this article.

(b) "Penalty." Any person who shall violate a provision of this article and is convicted of such violation, shall be subject to a fine of not less than \$50.00 nor more than \$500.00 at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(c) "Prosecution." In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in subsection (b) of this section. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person to:

- (1) Restrain, correct or remove the violation or refrain from any further execution of work;
- (2) Restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- (3) Require the removal of work in violation; or
- (4) To prevent the occupancy of the structure that is not in compliance with the provisions of this article.

15.25.030 Scope.

This article is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structure, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants, regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

15.25.040 Intent.

This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required in this article.

15.25.050 Referenced standards.

The standards referenced in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference.

15.25.060 Existing remedies.

The provisions in this article shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

15.25.070 Workmanship.

All repairs, maintenance work, alterations or installation which are caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner.

15.25.080 Application of other codes.

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes.

15.25.090 Maintenance.

All equipment, systems, devices and safeguards required by this article or any previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

15.25.100 Approved material and equipment.

All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with the established building code.

15.25.110 Modifications.

Where there are practical difficulties involved in carrying out provisions of this article, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is ensured. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

15.25.120 Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

15.25.130 Alternative materials and equipment.

The provisions of this article are not intended to prevent the installation of any material or method of construction not specifically prescribed by this article, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in quality, strength, effectiveness, fire resistance, durability and safety.

15.25.140 Research and investigation.

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this article. The cost of all tests, reports, and investigations required under these provisions shall be paid by the applicant.

15.25.150 Access by owner or operator.

Every occupant of a structure or premises shall give the owner or operator of such structure or premises, or agent or employee, access to any part of such structure or premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

15.25.160 Reserved.

DIVISION II. ADMINISTRATION AND ENFORCEMENT

15.25.170 Code official.

The code official shall be the chief building inspector or other town official designated by the town.

15.25.180 Generally.

The code official shall enforce all of the provisions of this article.

15.25.190 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with the article.

15.25.200 Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect the structure or premises.

15.25.210 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

15.25.220 Coordination of enforcement.

Inspection of premises, the issuance of notices and orders and enforcement of such notices and orders shall be the responsibility of the code official. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

15.25.230 Rule-making authority.

The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this article to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall have the effect of waiving structural or fire performance requirements specifically provided for in this article or of violating accepted engineering practice involving public safety.

15.25.240 Organization.

The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this article and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of this article during the temporary absence or disability of the code official.

15.25.250 Restriction of employees.

An official or employee connected with the enforcement of this article, except one whose only connection is that of a member of the board of appeals established under the provisions of section 32, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents of such building, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

15.25.260 Relief from personal responsibility.

The code official, officer or employee charged with the enforcement of this article, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this article shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this article; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection with this article.

15.25.270 Official records.

An official record shall be kept of all business and activities of the department specified in the provisions of this article, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

15.25.280 Notices and orders.

(a) "Notice to owner or persons responsible." Whenever the code official determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given to the owner or the responsible persons in the manner prescribed in subsections (b) and (c) of this section. Notices for condemnation procedures shall also comply with subsection (b) of section 29.

(b) "Form." Such notice prescribed in subsection (a) of this section shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued; and
- (4) Include a compliance order allowing a reasonable time and the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this article.

(c) "Method of service." Such notice shall be deemed to the property served if a copy of such notice is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy of such letter shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(d) "Penalties." Penalties for noncompliance with orders and notices shall be as set forth in section 2(b).

(e) "Transfer of ownership." It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

15.25.290 Unsafe structures and equipment.

(a) "Generally." When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this article.

- (1) "Unsafe structure." an unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
- (2) "Unsafe equipment." Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (3) "Structure unfit for human occupancy." A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this article, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (4) "Unlawful structure." An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this article, or was erected, altered or occupied contrary to law.

(b) "Closing of vacant structures." If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost of closure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(c) "Notice." Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with section 28. The notice shall be in the form prescribed in section 28.

(d) "Placarding." Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the term "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(e) "Prohibited occupancy." Any person who shall occupy a placarded premises or shall operate placarded equipment, and any other or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this article.

(f) "Removal of placard." The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code officials shall be subject to the penalties provided by this article.

15.25.300Emergency measures.

(a) "Imminent danger." When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the structure.

(b) "Temporary safeguards." Notwithstanding other provisions of this article, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure described in this article has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(c) "Closing streets." When necessary for the public safety, the code official shall temporarily close structures and close, or other the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) "Emergency repairs." For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) "Costs of emergency repairs." Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(f) "Hearing." Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this article.

15.25.310Demolition.

(a) "Generally." The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure; or of such structure is capable of being made safe by repairs; to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation or normal construction of any structure for a period of more than two years, to raze and remove such structure.

(b) "Order." All notices and order shall comply with section 28.

(c) "Failure to comply." If the owner of a premises fails to comply with a demotion order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) "Salvage materials." When any structure has been ordered razed and removed, the town council or other designated officer under such contract or arrangement shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.25.320Means of appeal.

(a) "Application for appeal." Any person affected by a decision of the code official or a notice or order issued under this article shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within ten days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this article or the rules legally adopted under this article have been incorrectly interpreted, the provisions of this article do not fully apply, or the requirements of this article are adequately satisfied by other means.

(b) "Board of appeals." All appeals shall be heard by the town board of zoning appeals, in the same manner as provided for appeal from an interpretation of the zoning officer.

DIVISION III. STANDARDS AND REQUIREMENTS

15.25.330 Requirements.

(a) "Scope." The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b) "Responsibility." The owner of the premises shall maintain structures and exterior property in compliance with these requirements, except as otherwise provided. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this division.

(c) "Vacant structures and land." All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this division so as not to cause a blighting problem or adversely affect the public health and safety.

15.25.340 Exterior property areas.

(a) "Sanitation." All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) "Grading and drainage." All premises shall be graded and maintained to prevent the erosion of soil and prevent the accumulation of stagnant water on the premises, or within any structure located on the premises. Exception: Water retention areas and reservoirs approved by the code official.

(c) "Sidewalks and driveways." All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of section 35.

(d) "Weeds." All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(e) "Vermin harborage." All structures and exterior property shall be kept free from vermin infestation. Where vermin are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(f) "Exhaust vents." Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odor or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(g) "Accessory structures." All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(h) "Construction Staging Waiver." The Building Commissioner may waive compliance with this chapter for vacant lots that are being utilized for construction staging purposes. The Building Commissioner may waive the requirements under the following circumstances:

1. The owner of the staging lot agrees to pay all code enforcement violations in existence prior to the use of the property for construction staging.
2. The exterior of the staging lot must be kept in a neat and clean condition consistent with this Chapter and applicable code provisions.
3. The owner of the staging lot agrees to comply with this Chapter immediately upon the expiration of waiver period.
4. The request waiver will not be unduly detrimental to the health and safety of adjacent property owners.

5. The Building Commissioner determines the waiver will expedite the development of a site with an approved development order.

(i) Abandoned vehicles, trailers, boats, RVs for sale or in storage will not be stored on the lot.

(j) "Trees". When trees are cut down on a property their stump(s) shall be removed along with the immediate underlying root systems, or ground down to grade. These areas shall then be covered with black dirt and the area seeded or sodded.

(k) The owner shall maintain a vacant lot in a park-like setting provided that a landscape plan is approved by the Building Commissioner or designee. At a minimum, the park-like setting must be grass covering the entire lot.

15.25.310 Exterior structure.

(a) "Generally." The exterior of a structure shall be maintained in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare; or create a public nuisance.

(b) "Exterior painting." All wood and metal surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Exteriors shall be free of peeling paint. No graffiti shall be present on the exterior.

(c) "Street numbers." Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All number shall be in Arabic numerals at least three inches (76 mm) high and one-half inch (13 mm) stroke.

(d) "Structural members." All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

(e) "Foundation walls." All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(f) "Exterior walls." All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(g) "Roofs and drainage." The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(h) "Decorative features." all cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(i) "Overhang extensions." All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts or similar overhang extensions shall be maintained in good repair and be properly anchored so to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Awnings shall be well maintained with no rips, holes or fading. For further information on signage, including for sale and for lease signage, see the Highland Municipal Code, §214.245.

(j) "Stairs and walking surfaces." Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of this section.

(k) "Stairways, decks, porches and balconies." Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(l) "Chimneys and towers." All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(m) "Handrails and guards." Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(n) "Windows, door frames, skylights and similar openings." Every window, door frame, skylight, and similar opening shall be kept in good condition, good repair and weather tight.

- (1) "Glazing." All glazing materials shall be easily openable and capable of being held in position by window hardware.

- (2) "Openable Windows." Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(o) "Insect screens." During the period from April 1 to November 1 every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packages or stores, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

(p) "Doors." All exterior doors and hardware shall be maintained in good condition and weather tight. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

- (1) "Windows and Doors." The covering for glass doors and windows may not consist of any substance sprayed onto the doors or windows. All enclosures shall be properly fitted by normal means, consisting of replacement glass, Plexiglas, or similar materials finished and maintained in a manner recommended and approved by the Building Commissioner. Windows shall not be boarded up with plywood and shall be protected by intact glazing (glass).

Exception: Only in emergency circumstances will exterior grade plywood be allowed to secure the building. The plywood would be allowed to remain for eight (8) weeks to allow time for insurance, investigation, weather, bidding, manufacture lead time, and etc.

The covering for broken doors and cracked or broken windows may consist of replacement glass, and Plexiglas, or similar materials finished and maintained in a manner recommended and approved by the Building Commissioner. The materials will be designed and of such color to blend in with the finish of the building.

Windows that are not cracked or broken may be covered with interior blinds, curtains, or shades. No paper or plastic shall cover the windows.

(q) "Basement hatchways." Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

(r) "Guards for basement windows." Every basement window that is openable shall be supplied with vermin proof shields, storm windows or other approved protection against the entry of vermin.

15.25.360 Rubbish and garbage.

(a) "Accumulation of rubbish or garbage." All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

(b) "Disposal of rubbish." Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(c) "Disposal of garbage." Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

- (1) "Garbage facilities." The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container.
- (2) "Containers." The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (3) "Additional regulation." These provisions shall be construed as additional regulation of dumpsters or other garbage containers already which are subject to regulation by any other provisions of the town code.

15.25.370 Extermination.

(a) "Infestation." All structures shall be kept free from insect and vermin infestation. All structures in which insects or vermin are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(b) "Owner." The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(c) "Single occupant." The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(d) "Multiple occupancy." The owner of a structure containing two or more dwelling units, a multiple occupancy, a room house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

(e) "Occupant." The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the vermin-free condition, the cost of extermination shall be the responsibility of the occupant. Exception: Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination.

15.25.380 Plumbing.

The following provisions of this section shall govern the minimum plumbing facilities and plumbing fixtures to be provided. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with the following requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(1) "Required facilities."

- a. "Dwelling units." Every dwelling unit shall contain its own bathtub or shower, lavatory, water closed and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closed or located in close proximity to the door leading directly into the room in which such water closet is located.
- b. "Rooming houses." At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- c. "Hotels." Where private water closets, lavatories, and baths are not provided, one water closed, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- d. "Employee's facilities." A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
- e. "Drinking facilities." Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(2) "Toilet rooms."

- a. "Privacy." Toilet rooms and bathrooms shall provide privacy and shall not constituted the only passageway to a hall or other space, or to the exterior.
- b. "Location." Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
- c. "Location of employee toilet facilities." Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path to travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities. Exception: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

3. "Plumbing fixtures."

- a. "Generally." All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- b. "Fixture clearances." Plumbing fixtures shall have adequate clearances for usage and cleaning.

4. "Water system."

- a. "Generally." Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an

approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

- b. "Contamination." The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the food level rim or the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
 - c. "Supply." The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressure adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
 - d. "Water heating facilities." Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
5. "Sanitary drainage system."
- a. "Generally." All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
 - b. "Maintenance." Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

15.25.390 Storm drainage.

Drainage roofs and paved areas, yards and courts and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

15.25.400 General mechanical and electrical requirements.

The following provisions shall govern the minimum mechanical and electrical facilities and equipment to be provided. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in a compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

- (1) "Heating facilities."
 - a. "Facilities required." Heating facilities shall be provided in structures as required by this section.
 - b. "Residential buildings." Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit (18 degrees Celsius). In all habitable rooms, bathrooms and toilet rooms shall be based on the outside design temperature required for the locality by the mechanical code.
 - 1. "Heat supply." Every owner of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to occupants thereof shall supply sufficient heat during the period from October 1 to May 1 to maintain the required room temperatures during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours.
 - 2. "Room temperature exception." When the outdoor temperature is below the outdoor design temperature required for the locality by the state building code, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.
 - c. "Nonresidential structures." Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all work hours. Exceptions are:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
 2. Areas in which persons are primarily engaged in vigorous physical activities.
- d. "Room temperature measurement." The required room temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.
- (2) "Mechanical equipment."
- a. "Mechanical equipment." All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
 - b. "Equipment access." Access to outdoor mechanical equipment shall be maintained under all weather conditions.
 - c. "Cooking and heating equipment." All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.
 - d. "Flue." All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances, which are labeled for unvented operation.
 - e. "Clearances." All required clearances to combustible materials shall be maintained.
 - f. "Safety controls." A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipments.
 - g. "Combustion air." A supply of air for complete combustion of the fuel for ventilation of the space shall be provided for the fuel-burning equipment.
 - h. "Energy conservation devices." Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

15.25.410 Electrical facilities.

- (a) "Facilities." Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
- (b) "Service." The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70-225-39(c). Every dwelling shall be served by a main service that is not less than 100 amperes, three wires.
- (c) "Electrical system hazards." Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

15.25.420 Electrical equipment.

- (a) "Installation." All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (b) "Receptacles." Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle.
- (c) "Lighting fixtures." Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

15.25.430 Elevators, escalators, dumbwaiters.

- (a) "Generally." Elevators, escalators, and dumbwaiters shall be maintained to sustain safely all imposed loads to operate properly, and to be free from physical and fire hazards.

(b) "Elevators." In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and services.

15.25.440 General fire safety requirements.

(a) "Scope." The following provisions shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(b) "Responsibility." The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(1) "Means of egress."

- a. "Generally." A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.
- b. "Exit capacity." The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.
- c. "Number of exits." In nonresidential buildings, every occupied story more than six stories above grade (with not less than two stories above grade) shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions.
 1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
 2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke-proof enclosure or pressurized stairway.
 3. Where an existing fire escape conforming to the building code is provided in addition to the single unit.
 4. Where permitted by the building code.
- d. "Arrangement." Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units or through toilet rooms or bathrooms.
- e. "Exit signs." All means of egress shall be indicated with approved exit signs where required by the building code. All exit signs shall be maintained visible and all illuminated at all times that the building is occupied.
- f. "Corridor enclosure." All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing. Exceptions are:
 1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
 2. Patient room doors in corridors in occupancies in Use Group 1-2 where smoke barriers are provided in accordance with the fire protection code are not required to be self-closing.
 3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
 4. Corridors that are in compliance with the building code.
- g. "Dead-end travel distance." All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall

not exceed 20 feet where the building is not equipped throughout with an automatic sprinkler system.

- h. "Aisles." Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Group A, E and 1-2 shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1,118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables, or other objects.
- i. "Stairways, handrails and guards." Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 MM) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1,067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.
- j. "Information signs." A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code.
- k. "Emergency escape." Every sleeping room located in a basement in an occupancy in Use Group 1-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. Exception: Buildings equipped throughout with an automatic fire suppression system.
- l. "Security." Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

(2) "Accumulations and storage."

- a. "Accumulations." Rubbish, garbage, or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- b. "Hazardous material." Combustible, flammable, explosive or other hazardous materials such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

(3) "Fire resistance ratings."

- a. "Generally." The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.
- b. "Maintenance." All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation of fire doors and smoke barriers. Fire doors shall not be held open by doorstops, wedges and other unapproved hold-open devices.

(4) "Fire protection systems."

- a. "Generally." All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.
- b. "Fire suppression system." Fire suppression systems shall be in proper operating condition at all times.
 - 1. "Valves." Control valves shall be in the fully open position.
 - 2. "Sprinklers." Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

3. "Piping." Piping shall be properly supported and shall not support any other leads.
- c. "Standpipe systems." Standpipe systems shall be in proper operating condition at all times.
 1. "Valves." Water supply control valves shall be in the fully open position.
 2. "Hose connections." Hose connections shall be identified and have ready access.
 3. "Hose." Where provided, the hose shall be properly packed, dry and free from deterioration.
- d. "Fire extinguishers." All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.
- e. "Smoke detectors." A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and 1-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Group R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than full story below the upper level.
 1. "Installation." All detectors shall be installed in accordance with the building code. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.
 2. "Power source." The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.
 3. "Tampering." Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this section.
- f. "Fire alarm systems." Fire alarm systems shall be in proper operating condition at all times.
 1. "Control panel." The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.
 2. "Manual fire alarm boxes." All manual fire alarm boxes shall be operational and unobstructed.
 3. "Automatic fire detectors." All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.
5. "Elevator recall." All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access of emergency firefighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1.
6. "Mechanical equipment control." Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating system with a capacity of more than 2,000 cfm (0.94 m³/sec) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code. Actuation of the detector shall stop the fans automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

15.25.450 Conflicting ordinances repealed.

That all provisions of ordinances in conflict with the provisions hereof are hereby repealed with such amendments hereby enacted pursuant to §10.17 of the Highland Municipal Code.

Section 2. Conflicting ordinances repealed.

That all provisions of ordinances in conflict with the provisions hereof are hereby repealed with such amendments hereby enacted pursuant to §10.17 of the Highland Municipal Code;

Section 3. Effective date.

Whereas an emergency exists, this Ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, and until its subsequent amendment or repeal by proper ordinance;

Introduced and Filed on the 28th Day of January 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of January 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Brian J. Novak, Town Council President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

New Business:

1. **Works Board Order No. 2013-09:** An Order of the Works Board Offering, Authorizing and Approving an Extension to the Contract between the Town of Highland and Walsh & Kelly, Incorporated for Materials and Services – Asphalt Work through December 31, 2013, all Pursuant to Indiana Code 5-22 *et Seq.* and §31.18 of the Highland Purchase Code

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2013-09. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
BOARD OF WORKS
ORDER of WORKS BOARD NO. 2013-09**

**AN ORDER of the WORKS BOARD OFFERING, AUTHORIZING and APPROVING AN EXTENSION to
the CONTRACT BETWEEN THE TOWN OF HIGHLAND AND WALSH & KELLY, INCORPORATED for
MATERIALS and SERVICES – ASPHALT WORK through DECEMBER 31, 2013, ALL PURSUANT TO
INDIANA CODE 5-22 ET SEQ. and §31.18 of the HIGHLAND PURCHASE CODE**

Whereas, The Town of Highland did receive bids on March 12, 2012 for Road Materials and Services, which included asphaltting work and associated services, pursuant to IC 5-22 *et seq.* and on April 23, 2012, the Town Council for the Town of Highland accepted and awarded a bid for several items of asphalt work and associated services to Walsh & Kelly, Incorporated, as the lowest responsible and responsive bid; and

Whereas, Walsh & Kelly, Incorporated has expressed interest, through a letter dated November 15, 2012, attached hereto, to extend the current contract for an additional year at the same terms and conditions for Road Materials and Services, Concrete Work;

Whereas, Walsh & Kelly, Incorporated has demonstrated professional competence and qualifications to perform the particular concrete work for the Town of Highland and it has been determined that extending the current contract will realize a cost and time savings for mutual benefit of the both parties; and

Whereas, The Town Council for the Town of Highland, pursuant to IC 5-22-17-4, now wishes to offer a contract extension to Walsh & Kelly, Incorporated, through December 31, 2013, for Road Materials and Services – Asphalt Work, under the original terms, conditions and prices as the original contract (1-year).

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana,

Section 1. That the Director of Public Works is hereby ordered to offer contract a extension to Walsh & Kelly, Inc. for Road Materials and Services – Asphalt Work under the same terms, conditions, and prices for the period January 1, 2013 through December 31, 2013;

Section 2. That, if accepted, the Director of Public Works be authorized to execute the Contract Extension with his signature as attested thereto by the Clerk Treasurer.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of January, 2013 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Brian Novak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Action on Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2013 as presented by Crowel Insurance Agency. Crowel Insurance Agency has proposed a total cost of **\$226,791**, representing \$48,636 for property and \$178,155 for Commercial, Fleet and liability. The prior year was \$212,989. The current increase is 6.5%

Councilor Kuiper moved, seconded by Councilor Zemen to approve the property, commercial and related non-health insurance plans for the Town of Highland as presented by Crowel Insurance Agency, as indicated. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The plans and agent were approved.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Liaison to the Board of Waterworks Directors* • *Chamber of Commerce Liaison.*

Councilor Zemen recognized the Public Works Director who provided an update on projects of the Waterworks.

Councilor Zemen also recognized the Redevelopment Director who provided a cursory report regarding economic development and redevelopment progress including the relocation of Sanfratello's Pizzeria and Family Restaurant from its current location on 45th Avenue to Indianapolis Boulevard.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Community Events Commission* • *Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Building Commissioner who presented a cursory update on the Unsafe Building proceedings of the former Chela's Restaurant on 45th Avenue.

Councilor Herak invited the Public Works Director to comment on current matters related to the sanitary district, particularly offering a briefing regarding the solicitation of proposals for solid waste collection and disposal services.

- **Councilor Dan Vassar:** • *Liaison to the Redevelopment Commission.*

Councilor Vassar was absent.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Police Chief, who offered no report.

Councilor Kuiper recognized the Fire Chief who offered no report.

- **Council President Brian Novak:**

The Council President reported that he was informed from a recent conversation with Hammond Mayor Thomas McDermott that the City Redevelopment Department would soon repay the principal on a bond issue rendered by the Highland Redevelopment Commission to support redevelopment on the shared boarder for property on Kennedy Avenue.

Payment of Accounts Payable Vouchers. There being no comments from the public or visitors, Councilor Kuiper moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 15, 2013 through January 28, 2013. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$436,546.50; Motor Vehicle Highway and Street (MVH) Fund, \$ 31,419.63; Local Road and Street (LRS) Fund, \$11,567.95; Local Seized Asset Forfeiture Fund, \$372.95; Law Enforcement Cont. Education and Supply Fund, \$1,051.85; Capital Projects Retainage Agency Fund, \$109,647.82; Insurance Premium Service Fund, \$226,791.00; Information and Communications Technology Fund, \$3,457.40; Civil Donation Fund, \$14.00; Police Pension Fund (1925 Plan): \$62,336.23; Municipal Cumulative Capital Development Fund, \$75,902.58; Traffic Violations Fund, \$16,223.50; Sexual Predator Grant Fund, \$2,016.00; Total: \$977,347.41.

Announcement and Notice. The Town Council President announced that the Town Council would convene in study session to receive a briefing regarding the Town's American's with Disabilities Act Transition Plan from Dennis Cobb, P.E., of First Group Engineering.

Adjournment. Councilor Zemen moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, January 28, 2013 was adjourned at 7:35 O'clock p.m. A study session followed the meeting.

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular (rescheduled) meeting on Monday, January 28, 2013 at 7:40 p.m. in the ground floor conference room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Bernie Zemen, Konnie Kuiper Brian J. Novak, were present. Councilor Dan Vassar was absent owing to work related travels. The Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Kenneth J. Mika, Building Commissioner and ADA Coordinator; John M. Bach, Public Works Director; Alex M. Brown, CPRP, Superintendent of Parks and Recreation, and Dennis Cobb, P.E., President, First Group Engineers, Inc., were also present.

General Substance of Matters Discussed.

1. The Building Commissioner offered an overview regarding the progress and requirement for municipalities to prepare a transition plan for compliance with the Americans with Disabilities Act (ADA). It was noted that First Group Engineers was commissioned to assist with the preparation of the ADA Transition Plan.

Dennis Cobb of First Group, having issued a preliminary printed report for review, offered an overview of a proposed ADA Transition Plan. He further reviewed and discussed the required elements that the ADA Transition Plan must possess.

It was noted that the required public hearing was conducted to solicit public comment and input on the plan. There were no comments.

A discussion ensued as to possible financing and a timetable for the several compliance projects that were identified in the survey and inventory that informed the report. It was further noted that the timeline may be long.

2. It was noted that the Metropolitan Police Chief had submitted a request for a modification for compensation rates for certain positions in his department. It was suggested that prior to taking any final step, an compensation study by a professional consultant may have merit. It was suggested the several positions may should be reviewed for internal and external parity.

There being no further business, the study session ended at 8:34 o'clock p.m.

Michael W. Griffin, IAMC/ MMC/ CPFA/CPFIM
Town Clerk-Treasurer